IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 797(S/S) of 2007

Smt. Pushpa Goswami W/o Sri Rajendra Prasad,
Assistant Teacher, Gadnu Kshetra
(Block) Augustmuni,
District Rudraprayag. -----Petitioner.

Vs.

Additional District Education Officer (Basic),
District Rudraprayag. ------Respondent.

Sri Ravi Babulkar, learned Counsel for the petitioner and
Sri Ashish Joshi, learned Standing Counsel for respondent.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ravi Babulkar, learned Counsel for the petitioner and Sri Ashish Joshi, learned Brief Holder for State of Uttarakhand/respondent.

By means of this writ petition, the petitioner has challenged the order dated 18.05.2007 passed by the Addl. District Education Officer (Basic), Rudraprayag by which he has cancelled the transfer order dated 06.03.2007 by which the petitioner who is Assistant Teacher in Primary School and working at Lwara, Block Ukhimath was transferred to Primary School, Gadnu district Rudraprayag.

It is submitted that the petitioner has already joined in Primary School, Gadnu on 7th March 2007 and after he has worked there for more than 3 1/2 years, her transfer order has been cancelled without giving any reason and it was also specified in the transfer order that the petitioner shall not be

provided travelling allowance in regard to the transfer for which an employee is entitled on being him/ her transferred from one place to another.

No doubt, the Authority is empowered to cancel any transfer order earlier made, but in case, any incumbent has already joined at new place of posting, prior to canceling that transfer order, it is required from the Transferring Authority to record reasons as to why the transfer order is being cancelled. In the case in hand, no such reasons have been recorded in the order impugned.

Consequently, I direct the petitioner to make representation raising all her grievances before the Appropriate Authority and the Authority concerned is directed to take decision and pass a speaking order on the representation within a period of four weeks from the date of production of a certified copy of this order, alongwith the representation, before the Authority concerned.

Learned counsel for the petitioner has submitted that she has yet not relieved from Gadnu, District Rudraprayag. In the prevailing circumstances I, also deem it fit and proper to direct the respondents not to relieve the petitioner till her representation is decided in accordance with law and by recording reasons therein.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 5, 2007:
NCM: